



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

OCT 12 2010

Mr. Kenneth Seeley, Chief
Environmental Services
Policy and Program Development
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 149
Riverdale, MD 20737-1237

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Dear Mr. Seeley:

Subject: M-44 CYANIDE CAPSULES
EPA Registration Number: 56228-15
Amendment Applications Dated July 13, 2010, and August 23, 2010, plus e-mail
submissions of July 23, 2010, August 20, 2010, August 23, 2010,
September 30, 2010, October 5, 2010, and October 7, 2010

Dear Mr. Seeley:

For the reasons indicated in an e-mail note from Ms. Stephanie Stephens of your program, the container label and the use restriction bulletin included in the amendment application of July 13, 2010, were replaced by revised documents supplied via the amendment application of August 23, 2010, and by e-mail on August 20, 2010. The elements of labeling on August 23, 2010, were replaced by corresponding documents submitted on September 30, 2010. In turn, those elements were replaced by corresponding documents submitted on October 7, 2010, in response to communications between Ms. Stephens and Dr. William Jacobs of our office. Therefore, the container labels, capsule labels, and use restriction bulletins submitted on July 13, 2010, August 20, 2010, August 23, 2010, and September 30, 2010, are not accepted and are not considered further in this letter.

The labeling submitted for this product on October 7, 2010, is accepted under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended. This labeling includes the container label, the label for individual capsules, and the bulletin of "M-44 Use Restrictions" dated "October 7, 2010".

Stamped copies of all 3 elements of this product's labeling are enclosed for your records.

Submit two copies of all 3 elements (container and capsule labels plus Use Restriction bulletin) of final printed labeling before releasing this product for shipment under the labeling accepted via this letter. Product released for shipment after October 12, 2011, must bear the labeling accepted via this letter.

If these conditions are not complied with, this registration will be subject to cancellation in accordance with FIFRA section 6(e).

If you have any questions regarding this letter, you may reach Dr. Jacobs by phone at 703-305-6406, by FAX at 703-308-0029, or via e-mail at jacobs.bill@epa.gov.

Sincerely yours,



Venus Eagle
Product Manager 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND
DOMESTIC ANIMALS

DANGER

Sodium cyanide may be fatal if swallowed or inhaled. Use only with adequate ventilation and do not breathe the gas or dust. When handling, setting out or checking M-44 cyanide capsules, always have at least six pearls of Amyl-Nitrite readily available in case sodium cyanide is swallowed or inhaled.

While handling sodium cyanide capsules, protect hands with gloves and shield eyes to prevent eye burns and skin irritation. Wash thoroughly before eating or smoking.

Do not use in areas frequented by humans or domestic dogs.

ENVIRONMENTAL HAZARDS

This pesticide is **TOXIC TO WILDLIFE**. Keep out of lakes, ponds or streams. Do not contaminate water by cleaning of equipment or disposing of wastes. The M-44 ejector device may not be used in areas inhabited by endangered canids and felids.

CHEMICAL HAZARDS

Contact with acid liberates poisonous and flammable hydrogen cyanide gas.

**ENDANGERED SPECIES
CONSIDERATIONS**

Use of this product is prohibited in areas where such use might jeopardize the continued existence of endangered species. Contact the local office of the U.S. Fish and Wildlife Service to determine the locations of habitats occupied by any endangered species listed below which occur in or near the intended area of product use.

Florida Panther

Do not use this product within 20 miles of the boundary of any federal or state lands (e.g., National Wildlife Refuges, National Parks, National Preserves, State Parks, State Preserves, State Wildlife Management Areas, etc.) and Indian Reservations that provide suitable Florida panther habitat south of Charlotte, Glades, and Martin Counties, Florida.

SEE REAR PANEL FOR ADDITIONAL ENDANGERED SPECIES CONSIDERATIONS.

RESTRICTED USE PESTICIDE

**DUE TO INHALATION HAZARD TO HUMANS AND THE NEED FOR
HIGHLY SPECIALIZED APPLICATOR TRAINING**

For retail sale and distribution to and use only by Certified Applicators who have taken the required additional training to use M-44 Sodium Cyanide Capsules in M-44 ejector units, and for whom USDA APHIS assumes a supervisory role with respect to the use of this product.

M-44 CYANIDE CAPSULES

For use in the M-44 ejector device to control coyotes (Canis latrans), red fox (Vulpes vulpes), gray fox (Urocyon cinereoargenteus), and wild dogs which are: (1) suspected of preying upon livestock and poultry; (2) suspected of preying upon Federally designated Threatened or Endangered Species; or, (3) vectors of communicable disease

ACTIVE INGREDIENT

Sodium cyanide 91.06%

INERT INGREDIENTS 8.94%

TOTAL 100.0%

KEEP OUT OF REACH OF CHILDREN

**RECEIVED
OCT 12 2010
DANGER - PELIGRO
POISON**



*Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:
EPA Reg. No. 56228-15*

STATEMENT OF PRACTICAL TREATMENT

IF SWALLOWED: CALL A PHYSICIAN OR POISON CONTROL
CENTER IMMEDIATELY!

IF SWALLOWED OR INHALED: Prompt treatment is of the utmost importance. Carry patient to fresh air, have him lie down. Patient should breathe the contents of an Amyl Nitrite pearl 15-30 seconds each minute if necessary, until five pearls have been used. Use artificial respiration if breathing has stopped. Remove contaminated clothing but keep patient warm.

CALL A PHYSICIAN IMMEDIATELY.

IF ON SKIN: Immediately flush with plenty of water.

IF IN EYES: Immediately flush with plenty of water and call a physician.

SEE LEFT SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

For use in specific situations to reduce canids (coyotes, red fox, gray fox, and wild dogs) that depredate livestock and poultry or federally designated threatened or endangered species or are vectors of communicable disease. For use on pastures, range land, and forest land only. Do not place in areas where food crops are planted.

IMPORTANT: Before handling or placing M-44 cyanide capsules or M-44 ejector devices, consult the Use Restriction Bulletin (revised October 7, 2010) for specific use directions, additional precautions, information on endangered species, warning signs and antidotal measures.

WARNING SIGNS: Bilingual (Spanish/English) warning signs must be posted in the general area and at the application site.

STORAGE AND DISPOSAL

PESTICIDE STORAGE: Store M-44 cyanide capsules under lock and key in a dry place away from food, domestic animals and acids. Do not contaminate feed or food stuffs.

PESTICIDE DISPOSAL: Dispose of defective and used M-44 capsules by burial in a safe location in the field or at a proper landfill site. Incineration may be used instead of burial for disposal of used capsules. Place capsules in an incinerator or refuse hole and attend the burn until the contaminated material is completely consumed. If burned, stay out of smoke.

CONTAINER DISPOSAL: Styrofoam Container: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. If container is not to be recycled, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance in disposing of container at approved hazardous waste disposal facilities.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Riverdale, MD 20737-1237
EPA Est. No. 56228-ID-1
EPA Reg. No. 56228-15
California Reg. No. 56228-15-AA
50 capsules: Net Weight: 48.5 grams

Batch Code No.: _____

Revised 10/2010

ENDANGERED SPECIES CONSIDERATIONS

(Continued)

Jaguarundi and Ocelot

Do not use this product within three miles of occupied habitat of the jaguarundi and ocelot in Cameron, Hidalgo, Kleberg, Jim Wells, Kenedy, Starr, Willacy, and Zapata Counties, Texas.

Louisiana Black Bear

Do not use this product within the geographical range of the Louisiana black bear near the Mississippi River in Mississippi and in the Atchafalaya and Tensas River basins in Louisiana.

San Joaquin Kit Fox

Do not use this product within the range of the San Joaquin kit fox in Alameda, Contra Costa, Fresno, Kern, Kings, Merced, Monterey, San Benito, San Joaquin, Santa Barbara, Santa Clara, Stanislaus, or Tulare Counties, California.

California Condor

Do not use this product in habitat occupied by the California condor in Ventura, Kern, Santa Barbara, Los Angeles, and San Luis Obispo Counties, California.



**DANGER
POISON
M-44 Cyanide Capsules**

Contains Sodium Cyanide - 91.06%
USDA - APHIS - WS-OSS
Riverdale, MD 20737

CAPSULE LABEL

ACCEPTED

OCT 12 2008

**Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:**

EPA. Reg. No: 56228-15

Rec'd 10/7/08

M-44 Cyanide Capsules
M-44 Use Restrictions
EPA Registration No. 56228-15
October 7, 2010

1. Use of the M-44 device shall conform to all applicable Federal, State, and local laws and regulations.
2. Applicators shall be subject to such other regulations and restrictions as may be prescribed from time-to-time by the U.S. Environmental Protection Agency (EPA).
3. Each applicator of the M-44 device shall be trained in: (1) safe handling of the capsules and device, (2) proper use of the antidote kit, (3) proper placement of the device, and (4) necessary record keeping.
4. M-44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care of any person not supervised or monitored, by the Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) or any agency not working under a WS cooperative agreement.
5. The M-44 device shall only be used to take wild canids: (1) suspected of preying on livestock or poultry; (2) suspected of preying on Federally designated threatened or endangered species; or (3) that are vectors of a communicable disease.
6. The M-44 device shall not be used solely to take animals for the value of their fur.
7. The M-44 device shall only be used on or within 7 miles of a ranch unit or allotment where losses due to predation by wild canids are occurring or where losses can be reasonably expected to occur based upon recurrent prior experience of predation on the ranch unit or allotment. Full documentation of livestock depredation, including evidence that such losses were caused by wild canids, will be required before applications of the M-44 are undertaken. This use restriction is not applicable when wild canids are controlled to protect Federally designated threatened or endangered species or are vectors of a communicable disease.

ACCEPTED

OCT 12 2010

Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended, for the
pesticide registered under:

EPA. Reg. No: 56228-15

8. The M-44 device shall not be used: (1) in areas within national forests or other Federal lands set aside for recreational use, (2) areas where exposure to the public and family and pets is probable, (3) in prairie dog towns, or (4) except for the protection of Federally designated threatened or endangered species, in National or State Parks; National or State Monuments; federally designated wilderness areas; and wildlife refuge areas.

To determine whether the applicable land management agency has set aside any area on Federal Lands for recreational use either on a permanent or temporary basis, the APHIS State Director or his/her designated representative who are considering authorizing or are responsible for ongoing use of M-44 capsules on public lands, must contact each applicable land management agency quarterly to determine whether any portions of the projected or current M-44 use areas are, or are to be, set aside for recreational use. Within 30-days of that contact, the APHIS State Director, or his/her designated representative, must provide the applicable land management agency with written documentation specifying the applicable land management agency's determinations of what projected or current M-44 use areas are to be set aside for recreational use. For purposes of this Use Restriction, areas set aside for recreational use include areas where and when there are scheduled recreational events, areas identified on maps with "recreation" in the title, areas where developed or known camping occurs, areas near designated or known recreational trail heads and designated or known vehicle access sites.

9. The M-44 device shall not be used in areas where federally listed threatened or endangered animal species might be adversely affected. Each applicator shall be issued a map, prepared by or in consultation with the U.S. Fish and Wildlife Service, which clearly indicates such areas.

- (1) Except as provided in paragraph (2) below, the M-44 device shall not be used in areas occupied by any federally listed threatened or endangered species or any federally listed experimental populations as set forth in the most current versions of maps that have been prepared or approved by the U.S. Fish and Wildlife Service (FWS). At the time of application, the applicator must be in possession of the most current map, if such map exists, that covers the application site. If maps covering the application site do not exist, then the M-44 applicator must, prior to application, consult with FWS to determine whether the application site is in an area occupied by listed animal species. Any use of the M-44 thereafter shall be consistent with any conditions or limitations provided by FWS through such consultation.
- (2) Notwithstanding paragraph (1), the M-44 device may be used in areas occupied by endangered, threatened, or experimental populations if use in such areas a) has been addressed by FWS in

special regulations pursuant to section 4(d) of the ESA, in requirements imposed through incidental take statements or incidental take permits, or in other applicable agreements with the FWS, and b) the applicator's use of the M-44 is consistent with any conditions or limitations provided by FWS for such use.

10. One person other than the individual applicator shall have knowledge of the exact placement location of all M-44 devices in the field.
11. In areas where more than one governmental agency is authorized to place M-44 devices, the agencies shall exchange placement information and other relevant facts to ensure that the maximum number of M-44's allowed is not exceeded.
12. The M-44 device shall not be placed within 200 feet of any lake, stream, or other body of water, provided that natural depression areas which catch and hold rainfall for short periods of time shall not be considered "bodies of water" for purposes of this restriction.
13. The M-44 device shall not be placed in areas where food crops are planted.
14. The M-44 device shall be placed at least at a 50-foot distance or at such a greater distance from any public road or pathway as may be necessary to remove it from sight of persons and domestic animals using any such public road or pathway.
15. The maximum density of M-44's placed in any 100 acre pasture land areas shall not exceed 10; and the density in any 1 square mile of open range shall not exceed 12.
16. No M-44 device shall be placed within 30 feet of a livestock carcass used as a draw station. No more than four M-44 devices shall be placed per draw station and no more than five draw stations shall be operated per square mile.
17. Supervisors of applicators shall check the records, warning signs, and M-44 devices of each applicator at least once a year to verify that all applicable laws, regulations, and restrictions are being strictly followed.
18. Each M-44 device shall be inspected at least once every week, weather permitting access, to check for interference or unusual conditions and shall be serviced as required.
19. Damaged or nonfunctional M-44 devices shall be removed from the field.
20. An M-44 device shall be removed from an area if, after 30 days, there is no sign that a target predator has visited the site.
21. All persons authorized to possess and use sodium cyanide capsules and M-44 devices shall store such capsules and devices under lock and key.

22. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site.

Incineration may be used instead of burial for disposal. Place the capsules in an incinerator or refuse hole and burn until the capsules are completely consumed. Capsules may be incinerated using either wood or diesel fuel.

23. Bilingual warning signs in English and Spanish shall be used in all areas containing M-44 devices. All such signs shall be removed when M-44 devices are removed.

a. Main entrances or commonly used access points to areas in which M-44 devices are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Signs shall be inspected weekly to ensure their continued presence and ensure that they are conspicuous and legible.

b. An elevated sign shall be placed within 25 feet of each individual M-44 device warning persons not to handle the device.

24. Each authorized or licensed applicator shall carry an antidote kit on his person when placing and/or inspecting M-44 devices. The kit shall contain at least six pearls of amyl nitrite and instructions on their use. Each authorized or licensed applicator shall also carry on his person instructions for obtaining medical assistance in the event of accidental exposure to sodium cyanide.

25. In all areas where the use of the M-44 device is anticipated, local medical people shall be notified of the intended use. This notification may be through a poison control center, local medical society, the Public Health Service, or directly to a doctor or hospital. They shall be advised of the antidotal and first-aid measures required for treatment of cyanide poisoning. It shall be the responsibility of the supervisor to perform this function.

26. Each authorized M-44 applicator shall keep records dealing with the placement of the device and the results of each placement. Such records shall include, but need not be limited to:

- a. The number of devices placed.
- b. The location of each device placed.
- c. The date of each placement, as well as the date of each inspection.
- d. The number and location of devices which have been discharged and the apparent reason for each discharge.
- e. Species of all animals taken.
- f. All accidents or injuries to humans or domestic animals.

U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Riverdale, MD 20737-1237
October 7, 2010